

COMMONWEALTH OF MASSACHUSETTS

THIS IS NOTICE OF THE REGULARLY SCHEDULED MEETING OF THE
BOARD OF REGISTRATION IN NURSING

Wednesday March 13, 2013
9 a.m. to 1 p.m.

239 Causeway Street ~ 4th Floor ~ Room 417A
Boston, Massachusetts 02114

Agenda

3/7/2013 9:00 AM

Time	Item #	Item	Exhibits	Staff Contact
9:00 a.m.	I.	Call to Order		
	II.	Approval of Agenda	Agenda	
	III.	Adjudicatory Session	Closed Session	
	IV.	G.L. c. 112, § 65C Session	Closed Session	
9:20 a.m.	V.	Approval of Minutes A. February 13, 2013 Regularly Scheduled Meeting B. February 13, 2013 Adjudicatory Session C. February 13, 2013 65C Session	Minutes Minutes Minutes	
	VI.	Reports A. Chairperson and Board Members' Reports B. Executive Director's Report C. Staff Report 1. Deputy Executive Director 2. Policy and Research 3. Practice 4. Education 5. Complaint Resolution 6. SARP	none report report report none report report	RH CR CS LT - AF/HC VI/DM/CJ

Item #	Item	Exhibits	Staff Contact
VII.	Consensus Agenda A. NCSEB Update B. Coalition for the Prevention of Medical Errors Update C. Professional Credentialing Services (PCS) 2012 Annual Compliance Report	None January 2013 Minutes & February 2013 Report & 2012 – 2013 Activities Memo Compliance Report	-- LT JMP
VIII.	Requests for License Reinstatement 1. M. Garmalo, RN165658; RN-08-1253 2. C. Sullivan, LN53403; LN-02-104 3. S. Marino, RN274752 and LN59288; RN-08-107 4. U. Okoye, LN69580; NUR-2011-0008	Request memo Request memo Request memo Request memo	TW/MS TW/MS TW/MS TW/MS
IX.	A. Resolution of Pending Board Complaints 1. J. Ziody, RN282480, NUR-2012-0046 2. B. Lord, LN56362, NUR-2012-0149 3. G. Gorman-Wood, RN95617, NUR-2012-0155 4. M. Howard, RN237502, NUR-2012-0268 5. S. Shir, RN276871, NUR-2012-0059 6. B. Hume, RN151792, NUR-2012-0183 7. F. Delus, LN87795, NUR-2012-0239 8. D. Fagan, LN52970, NUR-2012-0128 9. N. Dunbar, LN86591, NUR-2012-0245 10. D. Howard, RN/NA2264963, NUR-2012-0285 11. J. Wolter, RN169992, NUR-2012-0226 12. G. Dornhecker, RN243293, NUR-2012-0302 B. Resolution of Pending Board Staff Assignments 1. J. Ayotte, RN/NP2258269, SA-INV-2677	Investigative Report (IR) IR IR IR IR IR IR IR IR IR IR IR IR	ES/ASF ES/ASF ES/ASF ES/ASF ES/HC ES/HC IH/HC IH/ASF MFS/ASF MFS/HC MEM/HC MEM/HC MEM/ASF
X.	Practice A. Review Proposed Revision Advisory Ruling 0801: Withholding Initiation of CPR in LTC	Memo	LT

Item #	Item	Exhibits	Staff Contact
XI.	Education A. 244 CMR 6.04(1)(c) & (f) notifications: 1. UMass Amherst, CEO 2. Berkshire Community College, CEO 3. Roxbury Community College, CEO B. 244 CMR 6.06(1) Site Survey Recommendation, Practical Nursing Program, Southeastern Technical Institute	Memo Memo Facilities Plan	JMP JMP
XII.	Probation A. S. Brierly, LN85620; NUR-2011-0034	Memo	KF
XIII.	Announcements/Other		
XIV.	Adjournment		

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION IN NURSING**
239 Causeway Street, Room 417A
Boston, MA 02114

Minutes of the Regularly Scheduled Board Meeting
Wednesday, March 13, 2013

Board Members Present

K. Gehly, RN/NP, Vice Chair
M. Beal, RN/NM
P. Gales, RN
J. Killion, LPN
B. Levin, RN
C. Lundeen, RN
A. Peckham, RN
E. Richard Rothmund, Public Member
J. Roy, RN
C. Simonian, PharmD, RPh
C. Tebaldi, RN/NP

Board Members Not Present

S. Kelly, RN/NP, Chair

Board Staff Present

C. Robertson, RN, Deputy Executive Director
H. Cambra, RN, JD, Complaint Resolution Coordinator
Fein, RN, JD, Complaint Resolution Coordinator
V. Iyawe, RN, SARP Coordinator
D. Mclellan, RN, SARP Coordinator
J. Pelletier, RN, Nursing Education Coordinator
C. Silveira, RN, Assistant Director for Policy and Research
M. Strachan, JD, Board Counsel
L. Talarico, RN/NP, Nursing Practice
C. Jackson, BA, SARP/MPRS Coordinator

Board Staff Not Present

R. Harb, RN, Executive Director
V. Berg, JD, Board Counsel
T. Westgate, Paralegal

Guests

Joel Kantor, DHPL Management Consultant
See attached list.

TOPIC:

Call to Order

DISCUSSION:

A quorum of the Board was present.

ACTION:

At 9:01 a.m., K. Gehly, Vice Chairperson, called the March 13, 2013 Regularly Scheduled Board Meeting to order.

TOPIC:

Approval of the Agenda

SCUSSION:

None

ACTION:

Motion by E.R. Rothmund, seconded by B. Levin, and unanimously passed to approve the agenda as presented.

TOPIC:

Adjudicatory Session

DISCUSSION:

None

ACTION:

Motion by B. Levin, seconded by P. Gales, and unanimously passed by roll call vote to go into Adjudicatory Session at 9:03 a.m. to discuss decisions in pending adjudicatory matters.

Adjudicatory Session 9:03 a.m. to 9:09 a.m.

TOPIC:

G.L. c. 112, s. 65C Session

DISCUSSION:

None

ACTION:

Motion by C. Lundeen, seconded by B. Levin, and unanimously passed by roll call vote to go into G.L. c. 112, s. 65C Session at 9:10 a.m. to discuss negotiated settlements of complaints.

G.L. c. 112, s. 65C Session 9:10 a.m. to 9:44 a.m.

TOPIC:

Approval of Minutes:

1. Approval of the Minutes of the February 13, 2013, Regularly Scheduled Board Meeting
2. Approval of the Minutes of the February 13, 2013, Adjudicatory Session
3. Approval of the Minutes of the February 13, 2013, 65C Session

DISCUSSION:

3. M. Strachan made one correction on page 2 under Action of the Approval of the Agenda to remove the words 'as amended' that were entered in error.

ACTION:

Motion by B. Levin, seconded by C. Simonian, and unanimously passed to accept the Minutes of the February 13, 2013, Regularly Scheduled Board Meeting.

Motion by J. Killion, seconded by B. Levin, and unanimously passed to accept the Minutes of the February 13, 2013, Adjudicatory Session.

Motion by P. Gales, seconded by AM Peckham, and unanimously passed to accept the Minutes of the February 13, 2013, 65C Session with correction.

TOPIC:

Reports

- A. Chairperson and Board Members' Reports
- B. Executive Director's Report
- C. Staff Reports
 - 1. Deputy Executive Director
 - 2. Associate Director for Policy and Research
 - 3. Practice
 - 4. Education
 - 5. Complaint Resolution
 - 6. SARP
 - 7. Probation Monitor

DISCUSSION:

- A. Chairperson and Board Members Reports: none
- B. Executive Director's Report: Board members reviewed R. Harb's previously distributed report
- C. Staff Reports:
 - 1. Board members reviewed C. Robertson's previously distributed report
 - 2. Board members reviewed C. Silveira's previously distributed report.
 - 3. Board members reviewed L. Talarico's previously distributed report.
 - 4. No report
 - 5. Members reviewed A. Fein's and H. Cambra's previously distributed memo.
 - 6. Board members reviewed V. Iyawe's and D. McLellan's previously distributed report

ACTION:

- A. So noted.
- B. So noted.
- C. So noted.

TOPIC:

Consensus Agenda

- A. NCSBN Update
- B. Coalition for the Prevention of Medical Errors Update
- C. Professional Credentialing Services (PCS) 2012 Annual Compliance Report

DISCUSSION:

- A. No report
- B. Board members were provided the latest report, minutes, and a list of 2012 – 2013 activities provided by the Coalition for the Prevention of Medical Errors.

Board members were provided J. Pelletier's memo and the Professional Credentialing Services (PCS) 2012 Annual Compliance Report

ACTION:

^ None.

Accepted by consensus.

C. Accepted by consensus.

TOPIC:

Requests for License Reinstatement

1. M. Garmalo, RN165658; RN-08-1253
2. C. Sullivan, LN53403; LN-02-104
3. S. Marino, RN274752 and LN59288; RN-08-107
4. U. Okoye, LN69580; NUR-2011-0008

DISCUSSION: Board members reviewed T. Westgate's previously distributed memos which identified the Licensee's previous conduct, admissions, Board action and licensee's compliance with reinstatement terms

ACTION:

5. **M. Garmalo, RN165658; RN-08-1253**; Motion by P. Gales, seconded by E. R. Rothmund and unanimously voted to grant Licensee's request for reinstatement as long as he enters into a standard consent agreement for Probation and properly renews his nursing license
6. **C. Sullivan, LN53403; LN-02-104**; Motion by E. R. Rothmund, seconded by B. Levin and unanimously voted to grant Licensee's request for reinstatement as she has met the requirements outlined in her agreement.
7. **S. Marino, RN274752 and LN59288; RN-08-107**; Motion by E. R. Rothmund, seconded by M. Beal and unanimously voted to grant the licensee's request to terminate the Agreement not to Practice as she has met all the requirements of the Agreement.
8. **U. Okoye, LN69580; NUR-2011-0008**; Motion by E. R. Rothmund; seconded by C. Simonian and unanimously voted to grant the Licensee's request for reinstatement as she has met the terms of her Suspension.

TOPIC:

A. Resolution of Pending Board Complaints

1. J. Zlody, RN282480, NUR-2012-0046
2. B. Lord, LN56362, NUR-2012-0149
3. G. Gorman-Wood, RN95617, NUR-2012-0155
4. M. Howard, RN237502, NUR-2012-0268
5. S. Shir, RN276871, NUR-2012-0059
6. B. Hume, RN151792, NUR-2012-0183
7. F. Delus, LN87795, NUR-2012-0239
8. D. Fagan, LN52970, NUR-2012-0128
9. N. Dunbar, LN86591, NUR-2012-0245
10. D. Howard, RN/NA2264963, NUR-2012-0285
11. J. Wolter, RN169992, NUR-2012-0226
12. G. Dornhecker, RN243293, NUR-2012-0302

B. Resolution of Pending Board Staff Assignments

1. J. Ayotte, RN/NP2258269, SA-INV-2677

DISCUSSION:

Approved 5-8-2013

Compliance Officers and the Complaint Resolution Coordinators presented their previously distributed Investigative Reports for Board Review and Action together with relevant clarifications, supplemental information and revised Complaint Resolution Coordinators' recommendations as necessary, if any.

ACTION:

A. Resolution of Pending Board Complaints

1. J. Zlody, RN282480, NUR-2012-0046 – Motion by E.R. Rothmund, seconded by C. Simonian and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered a STANDARD CONSENT AGREEMENT FOR PROBATION of his RN license for at least one (1) year that also requires documentation of his successful completion of six (6) contact hours on Medication Administration and Documentation in Nursing, five (5) contact hours on Professional Accountability and Legal Liability for Nurses, three (3) contact hours on Critical Thinking and Judgment in Nursing Practice and six (6) contact hours on Effective Communication Skills in Nursing Practice.
2. B. Lord, LN56362, NUR-2012-0149 – Motion by B. Levin, seconded by P. Gales and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered SARP if determined eligible or a STANDARD CONSENT AGREEMENT FOR SURRENDER of her LPN license for an indefinite period with reinstatement requirements that also include the standard either/or substance abuse related requirements, the standard criminal activity related requirements, documentation of her successful completion of six (6) contact hours on Medication Administration and Documentation in Nursing, three (3) contact hours on Legal and Ethical Aspects of Nursing, three (3) contact hours on Pain Management in Nursing and three (3) contact hours on Critical Thinking and Judgment in Nursing Practice and a STANDARD POST-SURRENDER PROBATION of at least one (1) year.
3. G. Gorman-Wood, RN95617, NUR-2012-0155 – J. Killion recused herself from all discussion and vote on this matter and left the room. Motion by E.R. Rothmund, seconded by B. Levin and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered a Consent Agreement for Reprimand of her right to renew her RN license and RN license if renewed.
4. M. Howard, RN237502, NUR-2012-0268 – Motion by B. Levin, seconded by M. Beal and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered a STANDARD CONSENT AGREEMENT FOR PROBATION of her RN license for at least one (1) year that also requires documentation of her successful completion of six (6) contact hours on Medication Administration and Documentation in Nursing, three (3) contact hours on Preventing Medication Errors, three (3) contact hours on Legal and Ethical Aspects of Nursing and six (6) contact hours on Critical Thinking and Judgment in Nursing Practice.
5. S. Shir, RN276871, NUR-2012-0059 – Motion by J. Killion, seconded by A. Peckham and vote passed with C. Lundeen abstaining to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered a STANDARD CONSENT AGREEMENT FOR REPRIMAND of her RN license.
6. B. Hume, RN151792, NUR-2012-0183 – Motion by E.R. Rothmund. Seconded by B. Levin and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered a STANDARD CONSENT AGREEMENT FOR PROBATION of her RN license for one (1) year that also includes successful completion of three contact hours on Therapeutic Patient Communications, three contact hours on Patient Rights, completion of NCSBN's Learning Extension course entitled Documentation: A Critical Aspect of Client Care, and three contact hours on Critical Thinking and Judgment in Nursing.

7. F. Delus, LN87795, NUR-2012-0239- Motion by E.R. Rothmund, seconded by J. Roy and voted with: P. Gales, J. Roy, J. Killion, C. Simonian, M. Beal, C. Tebaldi, and E.R. Rothmund in favor; B. Levin and A. Peckham opposed; and C. Lundeen abstaining to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered a STANDARD CONSENT AGREEMENT FOR SURRENDER of her LPN license for at least one day, with reinstatement requirements that also include documentation of her successful completion of six (6) contact hours in Patient Abandonment, three (3) contact hours on Legal and Ethical Aspects of Nursing, and three (3) contact hours on Critical Thinking and Judgment in Nursing Practice. The suspension period to be followed by a STANDARD POST-SURRENDER PROBATION for six (6) months.
8. D. Fagan, LN52970, NUR-2012-0128 – Motion by B. Levin, seconded by P. Gales and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered SARP if determined eligible or a STANDARD CONSENT AGREEMENT FOR SURRENDER of her LPN license for an indefinite period with reinstatement requirements that also include the standard either/or substance abuse related requirements, the standard criminal activity related requirements, documentation of her successful completion of six (6) contact hours on Medication Administration and Documentation in Nursing, six (6) contact hours on Prevention of Medication Errors, three (3) contact hours on Legal and Ethical Aspects of Nursing, three (3) contact hours on Pain Management in Nursing and three (3) contact hours on Critical Thinking and Judgment in Nursing Practice, and a STANDARD POST-SURRENDER PROBATION for at least one (1) year.
9. N. Dunbar, LN86591, NUR-2012-0245 – Motion by E.R. Rothmund, seconded by J. Roy and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered a STANDARD CONSENT AGREEMENT FOR SURRENDER of her LPN license for an indefinite period *for not less than the later of:* five (5) years after the date of her most recent criminal conviction *or* one (1) year after she has completed all court ordered requirements and all criminal cases against her have closed. The Agreement shall also include the following reinstatement requirements: the standard criminal related requirements, a standard *forensic* mental health evaluation, the standard non-MA discipline related requirements, documentation of her successful completion of six (6) contact hours on Legal and Ethical Aspects of Nursing and six (6) contact hours on Effective Interpersonal and Communication Skills, and a STANDARD POST-SURRENDER PROBATION for at least two (2) years.
10. D. Howard, RN/NA2264963, NUR-2012-0285- Motion by B. Levin, seconded by J. Killion and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered a STANDARD CONSENT AGREEMENT FOR REPRIMAND of his RN license and NA authorization.
11. J. Wolter, RN169992, NUR-2012-0226- Motion by C. Simonian, seconded by B. Levin and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered a STANDARD CONSENT AGREEMENT FOR PROBATION of her RN license for one year that also requires documentation of her successful completion of three (3) contact hours on Legal and Ethical Aspects of Nursing, three (3) contact hours on Pain Management in Nursing and three (3) contact hours on Critical Thinking and Judgment in Nursing Practice, three (3) contact hours on Therapeutic Communication, and three (3) contact hours on Patient Abuse.
12. G. Dornhecker, RN243293, NUR-2012-0302- Motion by E.R. Rothmund, seconded by B. Levin and voted unanimously to DISMISS the complaint without prejudice for insufficient evidence to show that (1) a final adverse disciplinary action was taken against the Licensee's authorization to practice in an advanced role in the state of Rhode Island, or (2) that the conduct alleged warrants disciplinary action on his Massachusetts RN license.

B. Resolution of Pending Board Staff Assignments

1. J. Ayotte, RN/NP2258269, SA-INV-2677 – Motion by E.R. Rothmund, seconded by B. Levin and voted unanimously to close the Staff Assignment without further action based on insufficient evidence to substantiate allegations of the Licensee's practice breakdown presented by the report.

TOPIC:

Practice

DISCUSSION:

At the February 13, 2013, the Board reviewed and approved revisions to Advisory Ruling 0801: *Advisory Ruling on the Initiation and Withholding of Cardiopulmonary Resuscitation in Massachusetts Long-term Care Facilities with 24-hour Skilled Nursing Staff on Duty*. The Board found the first paragraph under "Nursing Competency Related to Advisory Ruling" unclear and redundant and requested its removal from the Advisory Ruling. Part of the paragraph the Board requested to be removed contained language related to the attainment of required competency through educational processes.

ACTION:

Motion by C. Simonian; seconded by J. Killion and unanimously voted to retain the Board's 2008 position that competency required for withholding initiation of CPR in long term care facilities can be attained through the nurse's successful completion of entry-level nursing education programs or continuing education experiences developed in accordance with Board regulations at 244 CMR 5.00: *Continuing Education* for inclusion into revised Advisory Ruling 0801: *Withholding Initiation of Cardiopulmonary Resuscitation in Long-term Care Facilities*.

TOPIC:

Education

A. 244 CMR 6.04(1)(c) & (f) notifications:

1. UMass Amherst, CEO
2. Berkshire Community College, CEO
3. Roxbury Community College, CEO

B. 244 CMR 6.06(1) Site Survey Recommendation, Practical Nursing Program, Southeastern Technical Institute.

DISCUSSION:

- A. Members reviewed J. Pelletier's previously distributed memo.
- B. Members reviewed J. Pelletier's previously distributed memo and the Southeastern Technical Institute Facilities Plan.

ACTION:

- A. Motion by B. Levin, seconded by M. Beal, and unanimously voted to find compliance with regulation 244 CMR 6.04(1) (f) in the notification of the appointment of: Kumble Subbaswamy, Chancellor, (CEO), University of Massachusetts Amherst; and Ellen Kennedy, President, (CEO), Berkshire Community College; and Linda Edmonds Turner, President, (CEO), Roxbury Community College.
- B. Motion by B. Levin, seconded by P. Gales, and unanimously voted to accept the Facilities Plan (Plan) submitted by the Practical Nurse Program, Southeastern Technical Institute, finding the Plan demonstrates that a discrete and appropriately equipped skill lab for Fall 2013 has been identified; and require the report due June 1, 2013 address the progress in meeting the timeframes as detailed in the Plan.

TOPIC:

Probation:

- A. Brierly, LN85620: NUR-2011-0034. Members reviewed K. Fishman's previously distributed memo that summarized the original complaint against the Licensee and the Non-disciplinary Consent Agreement for Stayed Probation she entered into with the Board in resolution thereof. Ms. Fishman explained the Licensee's compliance with the Agreement and her reasons for requesting termination of the Agreement.

DISCUSSION:

- A. Board members discussed the Licensee's conduct and remediation.

ACTION:

- A. Motion by C. Simonian, seconded by B. Levin and unanimously voted to terminate the Licensee's non-disciplinary agreement. P. Gales recused herself from the vote and left the room.

TOPIC:

Announcements

DISCUSSION:

- K. Gehly reminded the Board Members that the next Board meeting is on April 17, 2013.

ACTION:

None

TOPIC:

Adjournment

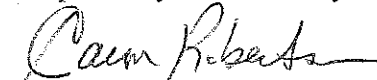
DISCUSSION:

None

ACTION:

- Motion by J. Killion, seconded by B. Levin, and passed unanimously to adjourn the meeting at 11:57am.

Respectfully submitted by:



Caron Robertson, MS, RN,
Deputy Executive Director
Board of Registration in Nursing

Reviewed by: Mary Strachan, Board Counsel
Board of Registration in Nursing

3/13/13 Agenda with exhibits list attached

Approved 5-8-2013

COMMONWEALTH OF MASSACHUSETTS

THIS IS NOTICE OF THE REGULARLY SCHEDULED MEETING OF THE
BOARD OF REGISTRATION IN NURSING

Wednesday March 13, 2013
9 a.m. to 1 p.m.

239 Causeway Street ~ 4th Floor ~ Room 417A
Boston, Massachusetts 02114

Agenda

3/7/2013 9:00 AM

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5/9/2013 1:57 PM

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